

Department of Early Learning

10.2.5

Probationary License Procedure

1. DEL may issue a probationary license under the following conditions:
 - a. Willful or negligent noncompliance with licensing regulations (WAC 170-295-0140, 170-296-0440, 170-151-098) and/or;
 - b. A history of noncompliance with licensing regulations and/or;
 - c. Current noncompliance with licensing regulations.
2. DEL may issue a probationary license for up to six months, renewable for an additional six months when continuing violations would likely pose a threat to the health and well-being of children in care if allowed to persist.
 - a. A probationary license may be used in addition to or in lieu of civil penalties
 - b. A probationary license must not be used in lieu of a summary suspension, when imminent threats to children's health and safety exist;
 - c. A probationary license must not be used when license revocation is deemed to be a more appropriate action.
3. The licensee must agree to a probationary license and both the licensee and the licensor must mutually agree to the conditions, which may include:
 - a. Placing the facility on "no referral" status in FamLink and notifying the CCR&R network
 - b. Allowing no new enrollments for an entire facility or a specific room
 - c. Requiring the licensee and/or staff to complete specified training
 - d. Limiting the license age range or capacity during the probationary period.
4. The reasons and conditions for the probationary license must be approved by the supervisor.
5. If a licensee refuses probationary status, DEL may suspend, revoke or modify the license. The licensee does not have the right to request an administrative hearing regarding a probationary license.
6. Using the 10.10.14 template, the licensee must be notified that the existing license is invalid and has been replaced by the probationary license. This notification must be delivered in person or by registered or certified mail with return receipt. Notification must include:
 - a. A copy of the probationary license
 - b. The reason for the probationary license
 - c. All conditions of probation which may include placement on "do not refer" status with CCR&R and SSPS
 - d. Agreed upon temporary modifications to the license
 - e. The necessity of completing the corrections and how DEL will verify that violations have been corrected
 - f. The probationary licensing conditions that must be completed to obtain full licensure.

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7. WAC 170-295-0140, 170-296-0440, 170-151-098 requires that the licensee must ensure that all parents or guardians of children in care are notified that the facility is in a probationary status within five business days.
 - a. The licensor must approve the parent/guardian notification letter.
 - b. The licensee must provide written documentation to the licensor that letters have been sent within 10 business days of receiving notification from DEL.
 - c. The licensee must also ensure that any new enrollments receive a notification of the probation letter if this is part of the probationary licensing conditions.
8. The DEL licensor will communicate with the local CCR&R and SSPS within three business days when placing the licensee on a “do not refer” as part of the probationary conditions.
9. The licensee must relinquish the full license when receiving a probationary license. The full license must be stored in the licensee’s file at the DEL office.
10. When the probationary licensing conditions have been fulfilled and the probationary status is ending, a full license is re-issued to the licensee after verification that the licensee is in full compliance.
11. A new application to renew full licensure must be completed when the three year license expires during the probationary period.
12. A probationary license must end when a license expires. If the probationary license is less than six months in duration, a new probationary license for less than six months may be issued once the license is renewed. The sum of the probationary licenses issued is not to exceed one year.
13. The licensor must document in FamLink in the Provider Notes section all activities related to the probationary license within five business days. These activities may include but are not limited to, phone calls, supervisory case staffing, probationary conditions, and decision points or file reviews.